



State of Washington
DRAFT
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE 3/29/2002	WATER RIGHT NUMBER S2-30052
MAILING ADDRESS KM RESORTS 6191 20TH ST E FIFE WA 98424	SITE ADDRESS (IF DIFFERENT) 175 WA-131 RANDLE WA 98377

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.38	CFS	17.3

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON- ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Irrigation	0.39	0	CFS	17.3	0	04/01 - 10/01

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
10	0	N/A	N/A

REMARKS: Well AKP900 shall remain as an emergency irrigation well that will utilize the permit exemption in cases where the diversion authorized by this right is damaged or destroyed. Withdrawals from the well shall not exceed 5,000 gallons a day when this water right cannot be exercised and will cease when the diversion is repaired or replaced. A metering device shall be installed on Well AKP900 in addition to the main source and reported in accordance with the provisions provided in this permit.

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
LEWIS	COWLITZ RIVER	COLUMBIA RIVER	26-COWLITZ

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
COWLITZ RIVER	031799000000	N/A	12N	07E	17	NW NW	46.5432	-121.956
Well 1	031799000000	AKP900	12N	07E	17	NW NW	46.53167	-121.955

Datum: NAD83/WGS84

Place of Use (See Attached Map)**PARCELS (NOT LISTED FOR SERVICE AREAS)**

031799000000, 031793000000, 031810001000

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Government Lot 2; the east half of government Lot 4, and that part of Government Lot 11, all in Section 17, Township 12 North, Range 7 East, W.M., Lewis County, Washington, described as follows: Beginning at a point 40 rods east and 50 rods north of the center of said Section 17; thence east 275 feet; thence north 40 feet; thence east 220 feet; thence south 40 feet; thence east 660 feet, more or less, to a slough (former channel of the Cowlitz River); thence northeasterly following said slough to the north line of said Government Lot 11: thence west along said north line to a point due north of the place of beginning; thence south to the place of beginning, All in Section 17, Township 12 North, Range 7 East, W.M., Lewis County, Washington.

EXCEPTING THEREFROM the following: That part of the Government Lots 4 and 11, Section 17, Township 12 North, Range 7 East, W.M., Lewis County, Washington, described as follows: Beginning at a point 40 rods east and 1273 feet north of the center of said Section; thence east 125 feet; thence north 170 feet; thence west 125 feet; thence south 170 feet to the place of beginning.

Proposed Works

A 1/2" pipe will divert water from the Cowlitz River by a 3 hp pump. Water will be pumped into a storage pond that measures 100 ft by 400 ft with an average depth of 3 feet. The pond is lined with plastic to prevent percolation. Water from pond will only be pumped during irrigation season.

A 6-inch well drilled to 59 foot deep will serve as an emergency back-up irrigation well. The well is plumbed directly into the irrigation system.

Development Schedule**BEGIN PROJECT**

October 1, 2017

COMPLETE PROJECT

October 1, 2018

PUT WATER TO FULL USE

October 1, 2020

Measurement of Water Use

How often must water use be measured?

Monthly

How often must water use data be reported to Ecology?

Upon Request by Ecology

What volume should be reported?

Total Annual Volume

What rate should be reported?

Annual Peak Rate of Withdrawal (gpm or cfs)

Provisions**Measurements, Monitoring, Metering, and Reporting**

An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Department of Fish and Wildlife Requirement(s)

This project may require the acquisition of a Hydraulic Project Approval (HPA) permit before construction of the diversion structure can begin. The intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about HPAs and screening criteria. <http://wdfw.wa.gov/about/contact/>

Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

Proof of Appropriation

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S2-30052, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Olympia, Washington, this day of 2016.

Michael J. Gallagher, Section Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

INVESTIGATOR'S REPORT

Application for Water Right -- KM Resorts

Water Right Control Number S2-30052

Matthew Rakow, Department of Ecology

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S2-30052.

Kevin McLeod submitted a new surface water right application on behalf of K/M Resorts on March 29, 2002. The application requests 0.39 cubic feet per second (cfs) for irrigation of a golf course (Table 1).

Table 1. Summary of Requested Water Right

Control Number	S2-30052
Name	KM Resorts
Priority Date	3/29/2002
WRIA	26
County	Lewis
Source	Cowlitz River
Tributary To	Columbia River
Purpose of Use	Irrigation
Instantaneous Rate	0.39 CFS
Annual Quantity	N/A
Irrigated Acres	10
Period of Use	Year Round
Place of Use	See attached

CFS = Cubic Feet per Second; WRIA = Water Resource Inventory Area

Table 2 provides location details for the proposed point of withdrawal.

Table 2. Point of Withdrawal Location Information

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Cowlitz River	031793000000	12N	07E	17	NW NE	46.53225	-121.95599

Sec. = Section; QQ Q = Quarter-Quarter of a section; E = East of the Willamette Meridian; Datum: NAD83/WGS84.

Legal Requirements for Approval of Appropriation of Water

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to

be stored, diverted and used. Notice of this application was published in The Chronicle on December 20 and 27, 2014. No protests or letters of concern were received in response to this notice.

Consultation with the Department of Fish and Wildlife

The Department of Fish and Wildlife (DFW) was notified of this application and submitted a response letter on August 24, 2016. The letter states that the DFW does not oppose issuance of this application and that diversion of the Cowlitz River is consistent with the WRIA 25/26 watershed plan.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- (b) It is a groundwater right application for more than 2,250 gallons per minute;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

INVESTIGATION

The material reviewed in support of this application included the following:

- The State Surface Water Codes, administrative rules, and policies
- Department of Ecology's Water Right Tracking System (WRTS) database
- Topographic, geologic, and local area maps
- Notes from site visit conducted on March 16, 2016
- 2004 Grays-Elochoman and Cowlitz Watershed Management Plan
- Lewis County Auditor's Records
- Lewis County Assessor's Records

Project Location and Site Description

The project site is located in eastern Lewis County in the unincorporated community of Randle. The golf course and RV resort sit within the Cowlitz river valley at an elevation of 888 feet above mean sea level. The Cowlitz River bounds the site to the north, forested land bounds to the east, privately owned pastureland bounds to the south, and hay fields to the west across Highway 131.

The project site is relatively flat and has approximately 10 permanent structures ranging from maintenance sheds to a clubhouse to mini-mobile homes. Domestic water is sourced from Lewis County Water District #1 and septic systems are used for on-site waste disposal. The resort consists of 175 RV

slips and a 9-hole golf course. The RV portion of the resort also features a pond that is approximately 460 feet long and 3 feet deep on average. The pond was lined prior to 2009, but a severe flood that year damaged the lining and it has not been repaired yet. Any water that collects in the pond now percolates down into the soil and eventually makes its way to the Cowlitz River. The applicant plans to repair the pond lining in the near future.

Proposed Use

Maple Grove proposes to divert water from the Cowlitz to provide irrigation water to the golf course and select grass common areas in the RV resort. Diverted water will be pumped into a lined pond that measures 100 feet by 400 feet with an average depth of 3 feet. Irrigation will occur during evening and night time hours and water will only be diverted into the pond during the irrigation season.

Water has been requested for year round use, but irrigation water is not needed during most of the year. It is recommended that water be available from April 15th to October 1st.

History of Water Use

A letter dated April 8, 2002 from a then partial owner of KM Resorts stated that unbeknownst to him, the previous owner of the resort had been illegally diverting water from the Cowlitz to use as irrigation water. The previous owner had been diverting water from 1980 to 2000. KM Resorts did not recognize the problem until a septic system inspection conducted by the county in 2001 brought up the issue. KM Resorts subsequently submitted this water right application in 2002.

KM Resorts drilled a 6-inch well (Ecology Well ID AKP900) to a depth of 80 feet and used the well for irrigation since 2004. Records of water use have not been kept for the well since it was constructed. The resort currently waters only the greens of the golf course. It is estimated that four to five acres were irrigated.

Maple Grove currently sources domestic water from Lewis County Water District #1.

Water System Description

The original diversion was destroyed by a past flood event and will need to be reconstructed. The planned diversion consists of a concrete block that a screened PVC pipe will be anchored to. The irrigation system consists of pop-up sprinklers on the golf course that are currently connected to the well.

Basis for Water Demand

The application requests an instantaneous rate of 0.38 cfs (171 gpm) for irrigation of 10 acres and does not specify an annual quantity for irrigation purposes. The entire golf course consists of approximately 14 acres.

The Washington Irrigation Guide estimates that turf grown in Packwood (approximately 14 miles away to the northeast) should require 16.54 inches of water from April to October (U.S.D.A., 1985). There are no known precipitation gages in Randle. There is precipitation data for the community of Glenoma (9 miles to the west and same elevation) and Packwood (160 ft higher in elevation). Glenoma is listed as having an annual precipitation of 67.2 inches and Packwood is listed at 56.03 inches (Source). It is estimated that the annual precipitation of Randle is closer to that of Glenoma due to the closer

proximity and relative elevation of the two areas. Despite the possible higher annual precipitation in Randle compared to Packwood, the Packwood station values will be used as a conservative starting point for this application. If higher precipitation in Randle results in less required irrigation, then the water right permit can be reduced at the end of the development schedule.

The golf course uses hard line impact head sprinklers and have an estimated average application efficiency of 80%. Using the estimates described above and an application efficiency of 80% the total irrigation requirement is calculated to equal 17.3 acre-feet per year. The calculated return flow is equal to 0.86 acre-feet per year.

Other Rights Appurtenant to the Place of Use

There are no other water rights appurtenant to the place of use of this application.

Water Availability

For water to be available for appropriation, it must be both physically and legally available.

Physical Availability

For water to be physically available for appropriation, there must be surface water present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses.

The Cowlitz River is the largest river in the Cowlitz watershed. USGS gage 14231000 is located at the Highway 131 bridge, which is adjacent to the project site by a few hundred feet to the west. Over the last eight years, the USGS Cowlitz River Randle gage has measured flows ranging from 230 cfs to 20,000 cfs. In the same time span, flows in the Cowlitz are above 1,000 cfs approximately 75-80% of the year. Low flows have ranged from 230 to 581 cfs with an average of 429 cfs (USGS). The diversion rate proposed under this application accounts for a tenth of a percent of the Cowlitz River low flow.

According to the 2014 Grays-Elochoman and Cowlitz River Watershed Planning WRIA 26 Water Supply and Stream Flow Review addendum to the original 2004 watershed plan, the Cowlitz River has an estimated capacity to accommodate an additional 3.95 cfs in captured flows in the Upper basin (Lower Columbia Fish Recovery Board, 2014). The Upper Cowlitz basin is the portion of the watershed that starts at the river's headwaters and ends at the Cowlitz Falls dam. Approval of this water right would reduce the estimated water available to 3.57 cfs.

Given these findings, water is physically available for the requested diversion.

Legal Availability

WRIA 26 does not currently have an instream flow rule. The watershed plan was adopted in 2006 and the rule making process subsequently started. However, rulemaking was halted in 2010 due to a number of factors and has yet to restart. In the interim, the planning unit amended the original watershed plan in 2014 to reflect issues and concerns brought by the public regarding closure areas proposed in the original plan.

In the absence of an instream flow rule, Ecology will defer to the most recent watershed plan for guidance on permitting decisions. According to WAC 90.82.130(4), "...The department shall use the plan

as the framework for making future water resource decisions for the planned watershed or watersheds.” The 2014 watershed plan amendment recommends that the Upper Cowlitz basin stay open to new appropriations and that Ecology honor existing Surface Water Source Limitations (SWSLs). The main stem of the Cowlitz River does not have any SWSLs in place and is open for new appropriations.

Impairment Considerations

Impairment is an adverse impact on the physical availability of water for a beneficial use that is entitled to protection.

A search of Ecology’s Water Right Tracking System (WRTS) database shows seven downstream water right certificates that list the Cowlitz River as the primary source. There is also one downstream water right claim with the Cowlitz River listed as the source. These water rights are presented in Table 3.

Table 3. Downstream water right certificates and claims

Control Number	Name	Priority Date	Type	Purpose	Diversion Rate (cfs)
S2-*06272CWRIS	PIERSON	12/26/1944	Certificate	Irrigation	0.400
S2-*10533CWRIS	GERWIG	07/25/1951	Certificate	Irrigation	0.500
S2-*14546ALCWRIS	BEKSINSKI	10/16/1957	Certificate	Irrigation	1.000
S2-20929CWRIS	MCMAHAN	04/13/1973	Certificate	Irrigation	0.750
S2-161902CL	ROSSI	1980	Claim	Domestic & Irrigation	0.089
S2-26686GWRIS	COWLITZ MEADOWS	04/16/1985	Certificate	Irrigation	0.800
TOTAL					3.539
S2-25780	LEWIS CO PUD	02/20/1981	Certificate	Power Gen	10,000
R2-25781	LEWIS CO PUD	02/20/1981	Certificate	Power Gen	N/A

The total diversion rate of these water rights and claim equals 3.539 cfs, not counting the Lewis County PUD water rights. The Lewis County PUD surface water certificate is not included in this calculation because it is a non-consumptive right and the dam is a run-of-the-river impoundment. These water rights capture 1.5% of the downstream low flow of the Cowlitz River measured at the Randle gage.

An additional tenth of a percent of water appropriated from the Cowlitz would not prevent senior water right holders from exercising their water rights.

Beneficial Use

The proposed use of water is defined in statute as a beneficial use (RCW 90.54.020(1)).

Public Interest Considerations

Consideration of alternative sources

The resort is connected to a public water system. However, the water system has denied additional service for irrigation due to a lack of distribution capacity on that portion of the system.

The proposed appropriation is consistent with local planning and will not be detrimental to the public welfare.

Consideration of Protests and Comments

No protests were filed against this application.

Conclusions

I find that:

- Water is available from the Cowlitz River
- Irrigation is a beneficial use
- The appropriation will not impair existing rights or Surface Water Source Limitations
- Approval of this application will not be detrimental to the public welfare

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

- ❖ 0.39 cfs
- ❖ 17.3 acre-feet per year
- ❖ Irrigation from April 1st to October 1st
- ❖ Point of Diversions: NW ¼, NW ¼, Section 17, Township 12 N, Range 07 E.W.M. for both the surface diversion and Well AKP900
- ❖ Place of Use: Refer to cover sheet Place of Use Description
- ❖ Well AKP900 shall only be used when the diversion structure for this water right is damaged or destroyed. Withdrawal from the well shall not exceed 5,000 gallons a day and shall cease when the diversion is repaired or replaced.

Report Writer

Date

If you need this publication in an alternate format, please call Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

Selected References

Lower Columbia Fish Recovery Board, 2014, *WRIA 26 Water Supply and Stream Flow Review: Findings and Recommendations*, Kelso, WA.

U.S.D.A., Natural Resources Conservation Service, 1997, *Engineering Handbook: Irrigation Guide*, (Part 652), Washington DC: U.S. Government Printing Office.

U.S.G.S., National Water Information System, Stream Gage USGS 14231000 Cowlitz River at Randle, WA, Retrieved from:

http://nwis.waterdata.usgs.gov/wa/nwis/uv/?cb_00060=on&format=gif_default&site_no=14231000&period=&begin_date=2007-10-01&end_date=2016-04-22

